



THE
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April 18, 2019

Dear Judge Cogan:

We write to join Mr. Levy's letter with respect to today's Court order regarding the length of the parties' opening statements. Although the Court just denied Mr. Levy's request to extend openings, the Court noted that "[t]here is ... sufficient time for the parties to modify their openings if they are longer." Given the timing of the Passover holiday, which is one of the most holy times of the Jewish year, this presents a significant and serious logistical problem. Mr. Nordlicht is *absolutely* unavailable to conduct work or communicate with the trial team beginning tomorrow through Sunday night. As an Orthodox Jew, Mr. Nordlicht "goes dark" during the period of time that his team would need to confer with him regarding the condensed opening statement. Furthermore, one or more of his attorneys will be celebrating Passover and unavailable for significant parts of the weekend. Indeed, Mr. Levy also celebrates Passover as do many of the other lawyers on the case.

Mr. Nordlicht's counsel previously announced in open court that his opening would last one-and-a-quarter hours. Mr. Levy's counsel made a similar representation, and the government objected, at the time, to neither. Accordingly, both the Court and the government have known for quite some time that Mr. Nordlicht's opening was scheduled to last approximately one-and-a-half hours. In an enormously complex case of this magnitude that is expected to last eight weeks, we respectfully submit that it would severely prejudice Mr. Nordlicht not to be able to preview the evidence for the jury in a fulsome way. Counsel is, of course, aware that opening statements are meant only to preview the evidence, not give argument; that said, over the course of such a long trial, the extra minimal time that we ask the Court to allow Mr. Nordlicht to present in opening statements will go far in focusing the jury's attention on important matters, allowing them to understand often obtuse testimony regarding complex matters.

Mr. Nordlicht respectfully requests that the Court reconsider its decision about the length of opening statements and permit an opening of one-and-a-quarter

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hours. If the Court will not, Mr. Nordlicht alternatively requests that the Court grant a continuance until Wednesday, April 24 for opening statements to begin so that Mr. Nordlicht has the opportunity to have a meaningful role in his defense.

Respectfully submitted,

Jose A. Baez, Esquire.